

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JOSEPH CARTER,

Plaintiff,

v.

**HEARTLAND EXPRESS, INC. OF
IOWA; and MARK LAROCQUE,**

Defendants.

CIVIL ACTION FILE NO.

**REMOVED FROM STATE COURT
OF FULTON COUNTY
CIVIL ACTION FILE NO.
21EV002677**

**DEFENDANTS' NOTICE OF REMOVAL TO UNITED STATES
DISTRICT COURT**

TO: The Honorable Judges of the United States District Court for the Northern District of Georgia, Atlanta Division:

COME NOW, **HEARTLAND EXPRESS, INC OF IOWA** and **MARK LAROCQUE** (hereinafter "Defendants"), and file the following Notice of Removal to United States District Court, showing the Court as follows:

1. A civil action was filed on April 30, 2021, and now is pending in the State Court of Fulton County, State of Georgia, with the parties named and aligned as stated in the caption of this document. That action is designated there as Civil Action

File No.: 21EV002677. A true and accurate copy of the Complaint is attached as Ex. "A".

2. Defendant Heartland Express, Inc. was served through its registered agent on May 19, 2021, which is the first time this Defendant had notice of this suit. Defendant Mark Larocque has not yet been served with the Complaint. Therefore, this notice of removal is timely filed.

3. Defendants file herewith a copy of all process, pleadings, and orders received by all Defendants in Civil Action File No.: 21EV002677, pursuant to 28 USC §1446, attached hereto as Ex. "B".

4. Defendant Mark LaRocque was, at the commencement of Civil Action File No.: 21EV002677, and at all times since has been a citizen of the State of Tennessee. (Compl. ¶25).

5. Defendant Heartland Express, Inc. of Iowa is now, was at the commencement of Civil Action File No.: 21EV002677, and at all times since has been a corporation organized and existing under the laws of the State of Iowa.

6. Defendant Heartland Express, Inc. of Iowa's principal place of business at the time of filing Civil Action File No. 21EV002677 was, and at all times since has been, 901 Heartland Way, North Liberty, Iowa 52317.

7. Upon information and belief, Plaintiff is a citizen of the State of Florida.

8. In the Plaintiff's Demand, Plaintiff has alleged damages in the amount of \$375,000.00.

9. Attached hereto is a copy of Defendants' Notice of Removal which will be promptly filed in the State Court of Fulton County, State of Georgia, marked as Exhibit "C".

WHEREFORE, Defendants pray that the above action now pending against them in the State Court of Fulton County, State of Georgia, be removed to this Court.

This 17th day of June, 2021.

HALL BOOTH SMITH, P.C.

/s/ James E. Gilson

JAMES E. GILSON

Georgia Bar No. 001150

BRIAN J. MANIKOWSKI

Georgia Bar No. 541272

SCOTT H. MOULTON

Georgia Bar No. 974237

Counsel for Defendants

191 Peachtree Street, N.E.
Suite 2900
Atlanta, Georgia 30303-1775
(404) 954-5000
(404) 954-5020 Fax

**DEFENDANT DEMANDS
TRIAL BY JURY**

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CERTIFICATE OF SERVICE

The foregoing **DEFENDANTS' NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT** and request for trial date is double spaced in 14 point Times New Roman font and complies with the type-volume limitation set forth in Local Rule 7.1.

This 17th day of June, 2021.

HALL BOOTH SMITH, P.C.

/s/ James E. Gilson

JAMES E. GILSON

Georgia Bar No. 001150

Counsel for Defendants

191 Peachtree Street, N.E.
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CERTIFICATE OF SERVICE

I hereby certify that on this day I have served a copy of the within and foregoing **DEFENDANTS' NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT** upon all parties to this matter by depositing same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows and/or filing said document with Peach Court which will automatically send electronic notification to the following:

R. Sean McEvoy
Wetherite Law Group, LLC
600 W. Peachtree St., NW, Suite 740
Atlanta, GA 30308
Sean.mcevoy@witheritelaw.com

[SIGNATURE PAGE FOLLOWS]

This 17th day of June, 2021.

HALL BOOTH SMITH, P.C.

/s/ James E. Gilson

JAMES E. GILSON

Georgia Bar No. 001150

Counsel for Defendants

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DEFENDANT DEMANDS

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